



SERIAL NO. 10/627,589

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KUSLICH ET AL.	Examiner:	UNKNOWN
Serial No.:	10/627,589	Group Art Unit:	3732
Filed:	JULY 25, 2003	Docket No.:	6683.13USC4
Title:	LAPAROSCOPIC SPINAL STABILIZATION SURGICAL METHOD		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 10, 2004.

By: Judith Tess

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. §1.97(b))

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/369,614 filed on August 6, 1999.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or

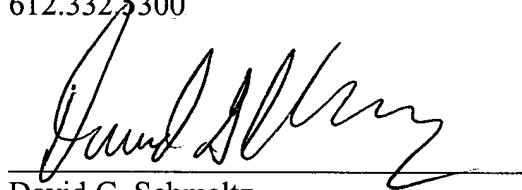
otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
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DGS:PSTjt



FORM 1449 INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION <small>(Use several sheets if necessary)</small>			Docket Number: 6683.13USC4	Application Number: 10/627,589
			Applicant: Kuslich et al.	
			Filing Date: 07/25/2003	Group Art Unit: 3732

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U.S. PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	669,764	03/1901	Potter			
	3,848,601	11/1974	Ma et al.			
	3,875,595	04/1975	Froning			
	4,349,921	09/1982	Kuntz			
	4,545,374	10/1985	Jacobson			
	4,596,243	06/1986	Bray			
	4,686,972	08/1987	Kurland			
	4,743,256	05/1988	Brantigan			
	4,772,287	09/1988	Ray et al.			
	4,834,757	05/1989	Brantigan			
	4,878,915	11/1989	Brantigan			
	4,904,260	02/1990	Ray et al.			
	4,961,740	10/1990	Ray et al.			
	5,015,247	05/1991	Michelson			
	5,026,373	06/1991	Ray et al.			
	5,484,437	01/1996	Michelson			
	5,489,307	02/1996	Kuslich et al.			
	5,505,732	04/1996	Michelson			
	5,609,636	3/1997	Kohrs et al.			
	5,776,196	07/1998	Matsuzaki et al.			
	5,797,909	08/1998	Michelson			

FOREIGN PATENT DOCUMENTS

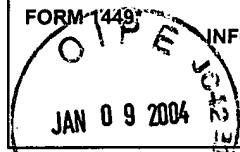
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	3505567A1	06/1986	Germany				
	3,800,482	07/1989	Germany				
	0260044	03/1988	EP				
	0 307 241 A2	03/1989	EP				

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

FORM 1449 O P T E INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)			Docket Number: 6683.13USC4	Application Number: 10/627,589
			Applicant: Kuslich et al.	
			Filing Date: 07/25/2003	Group Art Unit: 3732

 <small>PATENT & TRADEMARK OFFICE</small>	0 077 159 A1	04/1983	EP				
	WO 91/06261	05/1991	PCT				
	WO 94/28824	12/1994	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Declaration of Douglas Kohrs, filed in parent Application Serial No. 08/752,818, the original was filed in related application Ser. No. 08/015,863.
		Declaration of George W. Bagby, M.D., 5 pages.
		Posterior Lumbar Interbody Fusion by Paul Lin (©1982), pp. 14-124
		Spine: State of the Art Review, Vol. 6, No. 1, January, 1992, pp. 175-200

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	